

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

|                   |   |                      |
|-------------------|---|----------------------|
| IN RE             | ) |                      |
| DERRICK C. SCOTT  | ) | CASE NO. 18-10451-BP |
| EBONY OWENS-SCOTT | ) | Chapter 13           |
| Debtors           | ) |                      |

MOTION OF CARVANA, LLC.  
TO ALLOW LATE FILED PROOF OF CLAIM

TO THE HONORABLE JUDGE OF SAID COURT:

**NO HEARING WILL BE CONDUCTED ON THIS MOTION FOR RELIEF UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED ON THE PARTY FILING THIS PLEADING WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUESTS FOR HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

**ANY OBJECTION OR REQUEST FOR HEARING MUST BE FILED WITH:**

**UNITED STATES BANKRUPTCY COURT  
300 WILLOW STREET  
SUITE 100  
BEAUMONT, TEXAS 77701**

Comes now Carvana, LLC, ("Movant"), a secured creditor of Debtors and files this its Motion To Allow Late Filed Proof of Claim, and for such objection would show unto this Court the following:

1. Movant is the owner of a first lien against Debtors. Movant's claim arose on or about February 24, 2018 when Movant loaned Debtors purchase money for a 2013 Infinity G37, Vin. JN1CV6AR7DM77027. To secure said loan Debtors gave Movant a lien on the vehicle.

True and correct copies of the retail agreement and certificate of title are attached hereto and incorporated herein by reference.

2. Movant did not become aware of that a proof of claim had not been filed until the after the bar date of January 11, 2019. For this reason, no proof of claim was filed before the bar date. A true and correct copy of the retail agreement attached to the proposed proof of claim and incorporated herein.

3. In regards to the Debtor's mailing matrix, notice of the bankruptcy petition was sent to Bridgecrest Credit Company, LLC P.O. Box 53087, Phoenix, AZ 85072-3087. This is the Movant's payment processing center for Bridgecrest Credit Corporation, LLC which is not the same as Carvana, LLC the secured creditor holding the note executed by the Debtor. The Carvana's address is P.O. Box 29018, Phoenix AZ 85038, as such the notice of filing was not timely noted.

4. The proof of claim Movant proposes to file is an accurate reflection of the amount owed to Movant by Debtor. As of the date of the filing of this Motion.

WHEREFORE, PREMISES CONSIDERED, Movant prays that this court allow its proof of claim reflecting a total indebtedness of \$22,674.45 to be considered as if timely filed and allowed as if timely filed. Movant prays for such other and further relief, both general and special, at law or in equity, to which Movant may show itself justly entitled.

Respectfully requested,  
JACK O'BOYLE & ASSOCIATES

By: /s/ Jack O'Boyle.  
JACK O'BOYLE  
Bar No. 15165300  
P.O. Box 815369  
Dallas, Texas 75381  
P: (972) 247-0653  
F: (972) 247-0642

[ecf@jackoboyle.com](mailto:ecf@jackoboyle.com)  
Attorneys for Movant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing motion has been sent to the persons listed below electronically or by first class mail on this 21<sup>st</sup> day of February 21, 2019:

Barron & Barron, LLP  
P.O. Box 1347  
Nederland, TX 77627

Carey D. Ebert  
110 N. College Ave., 12<sup>th</sup> Floor  
Tyler, TX 75702

Derrick and Ebony Scott  
P.O. Box 412  
Jasper, TX 75951

United States Trustee  
110 N. College Ave., Ste. 300  
Tyler, TX 75702

/s/ Jack O'Boyle  
Jack O'Boyle